IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 4TH JANUARY 2007 / 14TH POUSHA, 1928

WP(C).No. 418 of 2007(Y)

PETITIONER:

B.SADANANDAN,
BRANCH MANAGER, T.V.PURAM FARMERS SERVICE
CO-OP. BANK LTD. NO.622, CHEMMANATHUKARA BRANCH,
VAIKKOM, KOTTAYAM.

BY ADV. SRI.P.N.MOHANAN

RESPONDENTS:

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1. JOINT REGISTRAR OF CO-OP. SOCIETIES
(GENERAL), KOTTAYAM.

2. ASST. REGISTRAR OF CO-OP. SOCIETIES(G),
KOTTAYAM.

3. T.V.PURAM FARMERS SERVICE CO-OP. BANK
LTD. NO.622, H.O. T.V.PURAM, VAIKKOM P.O.,
KOTTAYAM, REP. BY ITS MANAGING DIRECTOR.

BY SENIOR GOVT. PLEADER SRI.P.N.SANTHOSH.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.M. JAMES, J.

W.P.(C) No. 418 of 2007

Dated this the 4th January, 2007.

J U D G M E N T

The writ petitioner was a senior clerk of the 3rd respondent, Co-operative Bank. Subsequently, he was promoted as head clerk. On 1.11.1996, he was promoted as the Branch Manager, although he had no qualification required for such promotion. There is a provision to apply for exemption, by the Board of Directors of the Bank, under Rule 185(4) of the Kerala Co-operative Society Rules, in short 'the Rules', then applicable, as the 3rd respondent was included in Category I, as per Appendix-III to Rule 188 of the Rules. The records show that the Board of Directors had made a request to exempt the writ petitioner, from possessing the qualification of graduation, required for promotion to the post of Branch Manager. A resolution was adopted on 21.10.2005. The second respondent had considered the request of the Managing Directors of the 3rd respondent, and passed Ext.P4 order, dated 3.4.2006, granting exemption of qualification, with effect from 28.10.1996, with retrospective effect. However, the matter is pending and no order is passed exempting him from possessing the required qualification, for becoming the Branch

Manager of the Bank.

2. In the above circumstances, I direct the first respondent to consider Ext.P3 resolution of the 3rd respondent and Ext.P4 report of the second respondent, and pass appropriate orders, as per the law. This shall be done within two months from the date of production of a copy of this judgment.

The writ petition is disposed of accordingly.

J.M. JAMES,
JUDGE

nj.